

## REMARKS

As a preliminary matter, Applicants' representative thanks the Examiner for courtesies extended to the Applicants' representative during the telephonic interview of March 12, 2007. The Advisory Action was discussed, as well as further options for overcoming the rejections of record. No agreement was reached with respect to the claims, but Applicants agreed to submit the present response.

The present communication accompanies a Request for Continued Examination. By the this communication claims 1, 3, 4, 7-13, and 15-22 are canceled without prejudice. Applicants expressly reserve the right to present the canceled subject matter in one or more timely filed continuation applications. Also by the present communication, new claims 23-35 are added. Support for the new claim language may be found throughout the specification and claims as originally filed. Thus, no new matter is added. Applicants note that claims 23-31 read on elected subject matter, while claims 32-35 do not. Claims 23-35 are pending

In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of this application.

### **I. Rejections Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph**

Applicants respectfully traverse the rejection of claims 11-13 under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, as allegedly lacking enablement. While Applicants disagree with the basis for the rejection set forth in the Office Action, solely to expedite prosecution, Applicants have canceled claims 11-13 and present new composition claims 26-31.

Applicants submit that the skilled artisan will understand how to make and use the compositions of claims 26-31 in view of Applicants' disclosure and the skill in the art. Particularly with respect to claims 28-31, Applicants believe that treatment of viral infections caused by herpes simplex virus are fully enabled by the data presented in the application and confirmed by the supplemental results set forth in the Brandt Declaration and published U.S. Patent Application US2005/0203024 (the '024 Application) submitted with and discussed in the

Amendment and Reply, dated May 6, 2006. As such, Applicants submit that new composition claims 27-31 are enabled.

## **II. Objections and Rejoinder of Non-elected Subject Matter**

Applicants thank the Examiner for noting that claims 7, 8, 11-13 and 19-22, with respect to SEQ ID NO: 1, are free of the prior art of record and objected to for citing non-elected subject matter. In response, Applicants have canceled claims 7, 8, 11-13 and 19-22 and present the elected subject matter in new claims 23-31. An indication of allowance for these claims is respectfully requested.

In addition, Applicants respectfully request that the non-elected subject matter of new claims 32-35 be rejoined for examination. Claims 32-35 depend from claims 23 and 24, the subject matter of which was previously indicated to be allowable. Per the procedure in MPEP § 821.04(a), Applicants respectfully request rejoinder and examination of the subject matter of claims 32-35.

## **III. Conclusion**

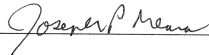
For the foregoing reasons, Applicants respectfully submit that the application is now in a condition for allowance. Consequently, Applicants respectfully request the Examiner withdraw all of the rejections and allow the application to issue. The Examiner is invited to contact the undersigned by telephone if a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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